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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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De-alerting

Working paper submitted by Chile, Malaysia, Nigeria, New Zealand and Switzerland (the De-alerting Group)

I. Background

1. Although the cold war ended more than two decades ago, today almost 2,000 warheads remain deployed and ready for use within a matter of minutes.[1] Even a small percentage of those warheads, if used, could kill hundreds of millions of people. Their continuing high state of readiness represents a common danger to humanity. The international community has repeatedly and overwhelmingly called upon the nuclear-weapon States to abandon such cold war postures.

2. De-alerting, or the removal of nuclear warheads from the high alert status described above, is an example of a "practical" or "pragmatic" nuclear disarmament step. De-alerting formed part of the "thirteen practical steps" contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, figures prominently in action 5 of the 2010 Review Conference action plan and was a recommendation of the Weapons of Mass Destruction Commission under the chairmanship of Hans Blix in 2006 and the International Commission on Nuclear Non-proliferation and Disarmament, which concluded its work in 2010. States parties have continued to emphasize the importance of de-alerting during this review cycle.[2]

[1] According to the 2013 presentation by Hans Kristensen and Matthew McKinzie, entitled "Reducing alert rates of nuclear weapons", an estimated 1,810 warheads are deployed on high alert by the United States and the Russian Federation. In addition, around 130 nuclear warheads possessed by the United Kingdom of Great Britain and Northern Ireland and France are on a lower level of alert, but are continuously deployed and ready to be used at all times.

[2] See NPT/CONF.2015/PC.II/WP.49, paragraph 22, as follows: "Many States parties stressed that they remain deeply concerned at the maintenance of many nuclear weapons on a high alert level. Many States parties continued to call for reductions in the operational status of nuclear weapons and emphasized that concrete agreed measures to reduce further the operational status of nuclear weapons systems would increase human and international security and would represent an interim nuclear disarmament step."

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3. In 2007, Chile, Malaysia, New Zealand, Nigeria and Switzerland introduced in the First Committee of the General Assembly, a draft resolution on decreasing the operational readiness of nuclear weapons systems, which was adopted as resolution 62/36 (generally known as the de-alerting resolution). In that resolution and subsequent others (see resolutions 63/41, 65/71 and 67/46), the Assembly calls for further practical steps with a view to ensuring that all nuclear weapons are removed from high alert status. The resolution has received increasing support over time.

II. Implications of high alert levels

A. Risk dimension

4. High alert levels and their related nuclear posture are based on the maintenance of "prompt launch" capabilities. Such a posture requires that a nuclear retaliatory strike be able to be launched upon receiving a warning regarding an incoming strategic nuclear attack. In practice, this means that a massive, retaliatory nuclear strike is able to be launched while incoming missiles are still in the air (namely, before a detonation has occurred). Proponents of a nuclear posture based on high alert levels argue that this is necessary because it guarantees a retaliatory deterrent capability (as outlined below, however, maintaining such a capability is possible with de-alerted forces).

5. Such an approach implies that a decision maker would only have a few minutes to assess the plausibility, reliability and accuracy of a warning in order to decide whether to order a nuclear retaliatory strike. It depends heavily on automated warning systems that are not infallible. In practice, it may lead to rushed nuclear decision-making that could be compromised by reliance on false data or by insufficient time provided for consultations regarding the possible use of nuclear weapons.

6. Such alert levels significantly multiply the risks posed by nuclear weapons. For example:

- High alert levels increase the probability of an inadvertent launch owing to technical failure or operator error.
- Reliance on early warning systems for evidence of an incoming attack vastly increases the consequences of any misinterpretation of early warning data leading to an intentional, but erroneous launch. There are numerous past examples of failures and false reports in such early warning systems.[3]
- The maintenance of nuclear forces on a high level of alert — coupled with the attendant doctrine which overemphasizes the risks of a decapitating first strike — greatly decreases the decision-making time available to national leadership in the event of a nuclear crisis and could create a "use it or lose it" mindset that reinforces the likely use of nuclear weapons.

7. High alert levels also increase the risk of the use of nuclear weapons by unauthorized actors, such as rogue military units or terrorists. In this regard, newly

[3] See, for example: Patricia, Lewis Pelopidas and others, eds., *Too Close for Comfort: Cases of Near Nuclear Use and Policies for Today* (The Royal Institute of International Affairs (Chatham House), 2014); and Eric Schlosser, *Command and Control* (New York, The Penguin Press, 2013).

emerging types of risks (namely, related to cyberattacks aimed at the highly automated nuclear military command infrastructure) could further heighten the threat.

8. The recent international focus on the catastrophic humanitarian consequences of nuclear weapons, and the threat that the destructive capacity of nuclear weapons poses to the survival of humanity, has only served to highlight the unacceptability of these risks.

B. Disarmament dimension

9. The maintenance of high alert levels has a negative impact on the process of nuclear disarmament. High alert levels are incompatible with commitments entered into by all Non-Proliferation Treaty States parties to reduce the role of nuclear weapons and to take concrete steps towards the eventual elimination of nuclear weapons. Specifically, high alert levels:

- Reinforce the perceived military value of nuclear weapons and imply a readiness to use nuclear weapons as a war-fighting tool
- Perpetuate outdated, cold war-era nuclear doctrines, making deeper cuts in existing arsenals more difficult to achieve
- Fuel excessive and expensive nuclear force requirements and modernizations.

C. Deterrence dimension

10. Proponents of high alert levels claim that they are necessary from the point of view of maintaining stable nuclear deterrence. Those claims have, however, been refuted by numerous experts, including former senior military officials,[4] who have made the case that maintaining a retaliatory capability (in other words, maintaining credible nuclear deterrence by ensuring that an adversary's surprise first strike would not go unpunished), is possible with an arsenal that is removed from alert. Even if all intercontinental ballistic missiles were removed from high alert, the presence of ballistic missile submarines at sea in a de-alerted state would still provide more than sufficient retaliatory capability to deter a nuclear attack. In other words, if all United States of America and Russian Federation nuclear forces were de-alerted and one side secretly re-alerted, the aggressor could not be confident in carrying out a "disarming first strike" because a sufficient number of highly capable forces would survive the initial attack and could launch a devastating retaliation. It bears noting in this context that guidance issued by the United States Administration in June 2013 conceded that "the potential for a surprise, disarming nuclear attack is exceedingly remote".

11. Experts have also dismissed the argument that removing weapons from high alert is destabilizing (because it could lead to a "re-alerting race") as a "straw man" argument that overplays de-alerting risks, downplays its benefits and ignores the fact that current alert postures already include plans to increase operational readiness and alert rates in a crisis. A de-alerted nuclear posture that still provides a sufficient retaliatory capability would give national leaders time to carefully weigh

[4] For example, Generals Eugene E. Habiger (1939) and James E. Cartwright (1949).

their decisions, rather than be forced to choose within a matter of minutes from a list of predesignated responses with catastrophic consequences.

III. De-alerting and the 2015 Review Conference

12. Lowering alert levels is an integral element of the nuclear disarmament process. Decreasing alert levels is required by key nuclear disarmament decisions of previous review conferences, including the thirteen practical steps of the 2000 Review Conference and the 2010 Review Conference action plan.

13. Lowering alert levels would be an essential contribution to making nuclear weapons less desirable as security tools; in other words, it would be a concrete measure that contributes also to non-proliferation.

14. For these reasons, review conferences have called for concrete agreed measures to further reduce the operational status of nuclear weapons. In the outcome of the 2010 Review Conference, the nuclear-weapon States undertook to consider the legitimate interest of non-nuclear weapon States in further reducing the operational readiness of nuclear weapons systems.

15. The reporting provision set forth in action 5 of the 2010 action plan will enable States parties to assess whether, and to what extent, that undertaking has been acted upon and, consequently, whether progress has been made in lowering the operational readiness of nuclear weapons. Based on accessible information as of 12 April 2014, no further progress has been achieved.

16. The De-alerting Group suggests that, if no significant further progress is achieved before 2015, the 2015 Review Conference should agree on concrete action steps on de-alerting.

17. In recognizing the link between high alert levels and the catastrophic humanitarian consequences posed by nuclear weapons, the 2015 Review Conference should, inter alia:

- Reaffirm de-alerting as a practical disarmament measure contained in the thirteen practical steps of 2000 and the 2010 action plan
- Acknowledge that concrete agreed measures to further reduce the operational status of nuclear weapons systems would increase human and international security and would represent an interim nuclear disarmament step
- Receive undertakings from the nuclear-weapon States, to be achieved during the next review cycle:
  - To address de-alerting comprehensively within the context of their collective engagement concerning the implementation of article VI
  - To reduce alert levels (unilaterally, bilaterally or otherwise) in a concrete and measurable way and within a specified time frame
  - To report to the States parties on measures taken regarding operational readiness/alert levels